

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Amanda Carson, f/k/a	)	
Amanda Leche,	)	
	)	
Plaintiff,	)	C.A. No. 6:20-1946-HMH
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Emergency MD, LLC, David Brancati,	)	
Johanna Calgie, and Jason Blasenak,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff’s motion to dismiss Defendants Emergency MD, LLC, David Brancati, and Johanna Calgie’s (“Defendants”) counterclaims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. After review, the court dismisses Plaintiff’s motion as moot.

“ “[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect.” Young v. City of Mount Rainier, 238 F.3d 567, 572 (4th Cir. 2001) (quoting In re Crysen/Montenay Energy Co., 226 F.3d 160, 162 (2d Cir. 2000)). Therefore, a plaintiff’s previous motion to dismiss becomes moot when a defendant files an amended answer and counterclaims. Righthaven, LLC v. Eiser, Civil Action No. 2:10-CV-3075-RMG, 2012 WL 527569, at \*2 n.1 (D.S.C. Feb. 16, 2012) (unpublished) (“Upon Defendant’s filing of the Second Amended Answer and Counterclaims, Defendant’s Amended Answer and Counterclaims was superseded and of no legal effect.”).

In this case, Plaintiff filed the instant motion to dismiss on September 20, 2020. (Mot. Dismiss, ECF No. 27.) On September 28, 2020, Defendants filed an amended answer and counterclaims pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. (Am. Answer and Counterclaims, ECF No. 28.) Based on the foregoing, Plaintiff's motion to dismiss is rendered moot.<sup>1</sup>

It is therefore

**ORDERED** that Defendant's motion to dismiss, docket number 27, is dismissed as moot.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
October 7, 2020

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<sup>1</sup> If so desired, Plaintiff may file a new motion to dismiss within the time frame allotted by the Federal Rules of Civil Procedure.